

UNITED STATES DISTRICT COURT, DISTRICT OF NEW MEXICO SENTENCING MINUTE SHEET											
CR No:	10-2734 JH			USA vs.:	McCluskey						
Date:	June 3, 2014			Name of Deft:	John Charles McCluskey						
Before the Honorable:				Judith C. Herrera							
Time In/Out:	10:00 am – 10:31 a.m.			Total Time in Court (for JS10):	31 minutes						
Clerk:	I.Duran			Court Reporter:	P.Baca						
AUSA:	Linda Mott/Michael Warbel/Kristopher Houghton			Defendant's Counsel:	Theresa Duncan/Gary Mitchell						
Sentencing in:	Albuquerque, NM			Interpreter:	None						
Probation Officer:	Sami Guerts			Sworn?			Yes				No
Convicted on:		Plea	X	Verdict			As to:		Information	X	3 rd Superseding Indictment
If Plea:		Accepted		Not Accepted	Adjudged/Found Guilty on Counts:		3 rd Superseding Indictment				
If Plea Agreement:		Accepted		Not Accepted	No Plea Agreement		Comments:				
Date of Plea/Verdict:	12/11 /2013			PSR:			X	Not Disputed			Disputed
PSR:	X	Court Adopts PSR Findings			Evidentiary Hearing:	X	Not Needed			Needed	
Exceptions to PSR:											
SENTENCE IMPOSED				Imprisonment (BOP): 60 months as to Ct. 1; Life as to each of Cts. 2-5; 240 mos. as to each of Cts. 6, 7, & 8; 120 mos. as to Ct. 9; 300 mos. as to each of Cts. 10-18; and Life as to each of Cts. 19 & 20. Cts 1-8, 19, & 20 shall run concurrently to each other; Cts. 9-18 shall run consecutively to each other and to all other Cts. therefore, the total term of incarceration is LIFE plus a consecutive 2,820 mos.							
Supervised Release:	Cts. 4 & 5 require a mandatory sentence of Life incarceration; however, the deft is not eligible for any term of supervised release			Probation:					500-Hour Drug Program		
Court recommends ICE begin removal proceedings immediately or during service of sentence							ICE not applicable				
SEPCIAL CONDITIONS OF SUPERVISION											
No re-entry without legal authorization				Home confinement for ____ months ____ days							
Comply with ICE laws and regulation				Community service for ____ months ____ days							
Participate in/successfully complete subst abuse program/testing				Reside halfway house ____ months ____ days							
Participate in/successfully complete mental health program				Register as sex offender							
Refrain from use/possession of alcohol/intoxicants				Participate in sex offender treatment program							
Submit to search of person/property				Possess no sexual material							
No contact with victim(s) and/or co-defendant(s)				No computer with access to online services							
No entering or loitering near victim's residence				No contact with children under 18 years							
Provide financial information				No volunteering where children supervised							
Grant limited waiver of confidentiality				Restricted from occupation with access to children							
				No loitering within 100 feet of school yards							
OTHER:											
Fine:	\$	0			Restitution:	\$	\$13,803.97 (See Judgment for details)				
SPA:	\$	2,000.00 (\$100) as to each Count			Payment Schedule:	X	Due Imm.			Waived	
OTHER:											
X	Advised of Right to Appeal			Waived Appeal Rights per Plea Agreement							

X	Held in Custody		Voluntary Surrender
	Recommended place(s) of incarceration:		
	Dismissed Counts:		
		<p>10:00 a.m. Counsel enter their appearances. Deft present.</p> <p>10:01 a.m. Victim Irma Patrick addresses the Court & provides an Impact Statement.</p> <p>10:07 a.m. Sandra Roden-Morgan addresses the Court & provides an Impact Statement.</p> <p>10:14 a.m. Victim Linda Rook addresses the Court & provides an Impact Statement.</p> <p>10:19 a.m. Govt. has no further witnesses.</p> <p>10:19 a.m. Defense has no witnesses today.</p> <p>10:20 a.m. Defense counsel has no objections to PSR nor the addendums; however, objects to the issue of restitution</p> <p>10:21 a.m. Govt. responds & stands by the recommendation by the Probation Officer.</p> <p>10:22 a.m. Ct. overrules objection.</p> <p>10:23 a.m. Defense counsel has no other objections.</p> <p>10:23 a.m. Govt. has no objections.</p> <p>10:24 a.m. Deft makes no comment.</p> <p>10:24 a.m. Ct. has reviewed the PSR factual findings & has considered the sentencing guideline applications & the sentencing factors under 3553 & imposes sentence.</p> <p>10:31 a.m. Court in recess.</p>	